

Office Action of May 20, 2005. However, per MPEP 707.07(f), the Examiner must address any arguments presented by Applicant which are still relevant to any references being applied. (See MPEP 707.07(f) – Examiner Note of form paragraph 7.38 *Arguments Are Moot Because of New Ground(s) of Rejection*, emphasis added).

In addition, Applicant wishes to point out that by merely repeating the text of the second Office Action, the Office Action has not provided reasons as to why claim 14 is not patentable. Accordingly, in the absence of any rejection of claim 14, Applicant respectfully submits that this claim is in condition for allowance. In the event that claim 14 is not allowed in the next communication from the Office, Applicant respectfully submits that a non-final Office Action must be issued setting a new period for reply. (See MPEP §706.07).

Finally, as the Examiner never responded to Applicant's arguments related to the patentability of claims 1-13 over Hentilä and Donovan, Applicant has no choice but to reiterate the same exact arguments. For the Examiner's convenience, Applicant resubmits herewith the arguments presented in the Amendment of October 13, 2004.

Claims 1-13 were rejected under 35 U.S.C. §103(a) based on Hentilä in view of Donovan. Applicant traverses the rejection because one of ordinary skill in the art would not have combined the teachings of Hentilä and Donovan to provide the claimed invention.

As conceded by the Office Action, Hentilä does not teach or suggest a message communication including one or more messages sent from or to a mobile station without setting up an end-to-end connection. However, the Office Action relied on Donovan as allegedly teaching this feature and has asserted that it would have been obvious to combine the teachings of Hentilä with Donovan "such that wireless carrier provider would be profited from such special service."

Applicant respectfully disagrees and submits that the Office Action has failed to establish a *prima facie* case of obviousness because its asserted motivation to combine Hentilä and Donovan is based on erroneous analysis. In fact, both Hentilä and Donovan teach away from their hypothetical combination.

Hentilä and Donovan actually teach two completely different systems designed with different operating requirements and, therefore, different objectives. Hentilä merely relates to an intelligent network wherein the charge for a call is made during the call based on charging pulses and charging information about the call given by a Service Control Point (SCP). Donovan relates to charging of different short messages when short message service is used

between PCS subscribers. There is absolutely no motivation or suggestion to combine their teachings.

As previously asserted in the Amendment dated June 1, 2004, Hentilä merely discloses a system wherein the charge for a call is made during the call. (See col. 3, lines 45-51). Moreover, Hentilä specifically discloses that the charge for the call is made when an end-to-end connection is established. (See col. 7, lines 1-12). However, Hentilä is completely silent as to the feature of being able to charge for messages when an end-to-end connection is not established. Therefore, according to Hentilä's teaching, nothing would be charged when a message is sent from or to a mobile station without setting up an end-to-end connection. Thus, by virtue of specifically requiring an established end-to-end connection to charge for the call, there is no motivation or suggestion to add the features provided by Donovan to the services provided by the network disclosed in Hentilä.

Furthermore, the Office Action (page 2, paragraph 3) asserted that Hentilä teaches retrieving the communication bill of the intelligent network from the charging file. However, to the contrary, Donovan specifically teaches that call detail records containing information on short messages are sent to a billing system. (See col. 7, lines 8-15). Therefore, Hentilä's method for charging message communications teaches away from Donovan's method and vice versa.

Therefore, the Examiner has not set forth a proper *prima facie* case of obviousness by combining Hentilä and Donovan because, as mentioned previously, there is no motivation or suggestion to combine these references. Therefore, claims 1-13 are patentable. Accordingly, reconsideration and withdrawal of the rejection of claims 1-13 under 35 U.S.C. §103(a) based on Hentilä in view of Donovan are respectfully requested.

The rejection having been addressed, Applicant respectfully requests the entry of the Amendment, the Examiner's reconsideration of this application, and the issuance of a notice of allowance indicating the allowability of pending claims 1-14.

If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicant's undersigned representative at the telephone number listed below.

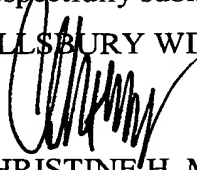
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Respectfully submitted,

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